

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Ramiro Arrez et al.

Serial No.: 10/081,654

Filed: February 22, 2002

Examiner: Sang K. Kim .

Art Unit: 3654

For: RETRACTABLE LIFTER FOR REFUSE

CONTAINER

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NAME: Francisca M.A. Hubbard

(TYPED OR PRINTED) SIGNATURE:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97, Applicants hereby call the Examiner's attention to documents listed on the attached forms, which documents may be material to the examination of this application. Copies of these documents are enclosed herewith for the Examiner's consideration.

No inference should be drawn that any apparatus disclosed is equivalent to the subject invention. Also, the citation of the above-discussed documents is not to be construed as assertion that more pertinent art could not possibly be

existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicants also respectfully reserve the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

ON SALE/PUBLIC USE

Applicant also wants to bring to the attention of the Examiner the facts of certain devices being on-sale and/or in public use more than one year to certain priority dates of the present application.

Specifically, the lifter substantially as illustrated in Figures 3-11 of U.S. Patent No. 6,503,045 was on-sale and/or in public use more than one year prior to the filing date of U.S. Provisional Application No. 60/271,860 filed on February 27, 2001, to which the present application claims a benefit. In other words, the lifter substantially as illustrated in Figures

3-11 of U.S. Patent No. 6,503,045 was on-sale and/or in public use prior to February 27, 2000.

In addition, the Perkins Model D6080 lifter, as shown and described in the brochure "The Original Rotary Tuckaway," was on sale and/or in public use more than one year prior to the filing date of U.S. Provisional Application No. 60/170,204 filed on December 10, 1999, to which the present application also claims a benefit. In other words, the Perkins Model D6080 lifter, as shown and described in the brochure "The Original Rotary Tuckaway," was on sale and/or in public use prior to December 10, 1998.

It is believed that no additional fee is required for the submission of this Information Disclosure Statement. However, should an additional fee be required, authorization is hereby given to charge Deposit Account 50-1039.

Date: July 28, 2004

Respectfully submitted,

Gary W. McFarron

Registration No. 27,357

COOK, ALEX, MCFARRON, MANZO,

CUMMINGS & MEHLER, LTD.

200 West Adams Street - #2850

Chicago, IL 60606

(312) 236-8500

Serial No. Attorney Docket 10/081,654 0343-0007.01 LIST OF PUBLICATIONS O PORRED BY APPLICANT Title: RETRACTABLE LIFTER Applicant: FOR REFUSE CONTAINER Ramiro Arrez et al. JUL 2 8 2004 Filing Date: Group: 3654 February 22, 2002 U.S. PATENT DOCUMENTS SUB-FILING *EXAMINER DOCUMENT CLASS DATE CLASS NUMBER DATE NAME INITIAL J. Galuska 11-27-23 1,475,483 1,763,499 06-10-30 R. S. Bolger J. R. Nolan 3,040,919 06-26-62 Erlinder et al. 3,136,436 06-09-64 3,170,580 02-23-65 Victor G. Soyko E. R. Breault 3,270,902 09-06-66 M. J. Evers 3,279,633 10-18-66 3,327,876 B. M. Kolling 06-27-67 06-23-70 J.W. Knight 3,516,562 04-27-71 T. Cline 3,576,215 de Cordova et al. 3,576,265 04-27-71 Herpich 3,730,365 05-01-73 3,762,586 10-02-73 Updike, Jr. 11-20-73 Blakeley et al. 3,773,197 Evans, Jr. 3,822,802 07-09-74 3,837,512 09-24-74 Brown 10-15-74 Ebeling et al. 3,841,508 Blakeley et al. 10-29-74 3,844,434 Sink, Sr. 3,861,547 01-21-75 08-26-75 Pettit 3,901,255 Ebeling et al. 3,944,092 03-16-76 Stedman 3,954,194 05-04-76 06-22-76 Werder 3,964,624 3,987,999 09-07-76 Ryder FOREIGN PATENT DOCUMENTS SUB-FILING DOCUMENT CLASS DATE CLASS NAME DATE NUMBER OTHER PUBLICATIONS (Including Author, Title, Date, Pertinent Pages) DATE CONSIDERED: **EXAMINER:** Douglas A. Hess *EXAMINER: Initial if citation considered, whether or not citation is in with MPEP form. Draw line through citation if not in conformance conformance and not considered. Include a copy of this form with the next communication to applicant.

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	4,057,156	11-08-77	Thompson et al.					
	4,090,626	05-23-78	Ebeling et al.					
	4,091,944	05-30-78	Gollnick					
	4,096,959	06-27-78	Schaffer					
	4,113,125	09-12-78	Schiller					
	4,175,903	11-27-79	Carson Stragier et al.					
	4,219,298	08-26-80	1 2	•				
	4,227,849	10-14-80	Worthington Smith					
	4,230,359 4,237,857	12-09-80	Sharp, Sr.					
	4,295,776	10-20-81	Payne et al.					
	4,313,707	02-02-82	Bingman et al.	- 1			7	
	4,345,868	08-24-82	Rizzo et al.					
	4,348,147	09-07-82	Helm	1				
	4,363,588	12-14-82	Stickney	ı				
	4,372,726	02-08-83	Lutz	1				
	4,401,407	08-30-83	Breckenridge					
	4,427,333	01-24-84	Ebeling	1				
	4,435,117	03-06-84	House					
	4,450,828	05-29-84	Oaken et al.					
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		FOREIGN	N PATENT DOCUME	INTS			· · · · · · · · · · · · · · · · · · ·	
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	4,461,607	07-24-84	Smith					
	4,461,608	07-24-84	Boda			1 1 3 1		
	4,527,939	07-09-85	Suarez					
	4,538,951	09-03-85	Yeazel et al.					
	4,543,028	09-24-85	Bell et al.					
	4,548,542	10-22-85	Reese					
	4,557,658	12-10-85	Lutz					
	4,566,840	01-28-86	Smith					
	4,575,300	03-11-86	George					
	4,597,710	07-01-86	Kovats	1				
	4,597,712	07-01-86	Smith					
	4,669,940	06-02-87	Engelhardt et al.					
	4,699,557	10-03-87	Barnes	Ĭ				
	4,708,570	11-24-87	Smith et al.					
	4,715,767	12-29-87	Edelhoff et al.					
	4,722,658	02-02-88	Wurtz et al.					
	4,726,726	02-23-88	Dossena et al.					
	4,844,682	07-04-89	Edelhoff		ĺ			
	4,872,801	10-10-89	Yeazel et al.					
	4,909,564	03-20-90	Pfeifer et al.					
		FOREIGN	PATENT DOCUMENTS					
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Serial No. Attorney Docket 10/081,654 0343-0007.01 LIST OF PUBLICATIONS OCFIED BY APPLICANT Title: RETRACTABLE Applicant: Ramiro Arrez et al. LIFTER JUL 2 8 2084 FOR REFUSE CONTAINER Group: Filing Date: February 22, 2002 3654 U.S. PATENT DOCUMENTS FILING SUB-DOCUMENT *EXAMINER DATE CLASS CLASS INITIAL NUMBER DATE NAME Naab et al. 4,936,732 06-26-90 10-30-90 Knapp 4,966,514 Richards 4,983,092 01-08-91 Prout et al. 4,992,018 02-12-91 5,002,450 03-26-91 Naab 04-16-91 Bingman 5,007,786 5,015,142 05-14-91 Carson 5,015,143 Carson 05-14-91 Carson 5,018,929 05-28-91 5,026,104 06-25-91 Pickrell Richards 07-02-91 5,028,196 07-30-91 Mezey 5,035,563 5,049,026 09-17-91 Bingman et al. 5,056,979 10-15-91 Niederer Carson 5,071,303 12-10-91 5,071,307 12-19-91 Carson Jones et al. 03-03-92 5,092,731 Carson 5,098,250 03-24-92 Edelhoff et al. 5,114,304 05-19-92 11-17-92 5,163,805 Mezey FOREIGN PATENT DOCUMENTS FILING SUB-DOCUMENT DATE CLASS CLASS DATE NAME NUMBER OTHER PUBLICATIONS (Including Author, Title, Date, Pertinent Pages) DATE CONSIDERED: EXAMINER: Douglas A. Hess *EXAMINER: Initial if citation considered, whether or not citation is in with MPEP form. Draw line through citation if not in conformance conformance and not considered. Include a copy of this form with the next communication to applicant.

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	5,205,698	04-27-93	Mezey					
	5,209,537	05-11-93	Smith					
	5,230,393	07-27-93	Mezey					
	5,266,000	11-30-93	LeBlanc					
	5,303,841	04-19-94	Mezey					
	5,333,984	08-02-94	Bayne et al.					
	5,344,272	09-06-94	Nuyts	1				
	5,360,310	11-01-94	Jones et al.					
	5,391,039	02-21-95	Holtom					
	5,470,187	11-28-95	Smith et al.					
	5,484,245	01-16-96	Zopf					
	5,505,576	04-09-96	Sizemore et al. Pickrell					
	5,513,942	05-07-96 09-03-96	Zanzig et al.					
	5,551,824 5,562,386	10-08-96	Browning					
	5,601,392	02-11-77	Smith et al.					
		06-17-97	Curotto					
	5,720,589	02-24-98	Christenson et al.					
	5,755,547	05-26-98	Flerchinger et al					
	5,769,592	06-23-98	Christenson					
		FOREIGN	PATENT DOCUMENTS					
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	5,775,867	07-07-98	Christenson					
	5,791,861	08-11-98	Seelig					
	5,797,715	09-29-98	Christenson					
	5,807,056	09-15-98	Osborn et al.					
	5,813,824	09-29-98	Zanzig et al.					
	5,829,944	11-03-98	Szinte					
111	5,833,428	11-10-98	Szinte					
	5,853,277	12-29-98	Everhart					
	5,890,865	04-06-99	Smith et al.					
	6,059,511	04-06-99	Anderson et al	•				
	6,095,744	08-01-00	Harrison					
	6,139,244	10-31-00	VanRaden					
	6,158,945	12-12-00	Anderson					
	6,183,185	02-06-01	Zanzig et al.					
	6,293,863	09-25-01	Carr et al.					
	6,413,031	07-02-01	Yakley et al.					
	6,439,667	08-27-02	Weets et al.					
	6,325,587	12-04-01	Wysocki et al.					
	6,551,046	04-22-03	Dorrington					
	6,503,045	01-27-03	Arrez et al.					
	20010046430	11-29-01	Bayne					
	20020119034	08-29-02	Arrez					
	20020141854	10-03-02	Arrez					
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